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FACSIMILE TRANSMITTAL SHEET

TO: Mail Stop Petitions

FIRM/COMPANY: Commissioner for Patents

FACSIMILE NUMBER: 571 273-8300

**CONFIRMATION
TELEPHONE:**

FROM: Ruth Der, Paralegal

DIRECT DIAL: 415.957-3031

DATE: November 13, 2006

FILE NUMBER: Atty. Docket No. R0367-00401, US Serial No. 09/981,525

TOTAL # OF PAGES: 7
(INCLUDING COVERSHEET)

MESSAGE: Attached are *Request For Reconsideration Of Decision On
Petition and Amendment Supporting Applicants's Request For
Reconsideration Of Decision On Petition.*

Please confirm receipt of this facsimile.

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NOV 13 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

Examiner: Jonathan M. Foreman

Group Art Unit: 3736

For: **TISSUE ACQUISITION SYSTEM AND
METHOD OF USE**

Serial No.: 09/981,525

TRANSMITTAL

Filed: October 16, 2001

Atty. Docket No.: R0367-00401

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (571) 273-8300 to Mail Stop Petition, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/13/2006 in San Francisco, CA.By: [Signature]Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are

X Request For Reconsideration Of Decision On Petition; and
X Amendment Supporting Applicants's Request For Reconsideration Of Decision
On Petition.

2. Fees Due

X Applicants believe that there are no fees due. Should the Commissioner find
otherwise, the Commissioner is authorized to charge the fees due and to credit
any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17,
to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00401.
A duplicate copy of this transmittal is enclosed for this purpose.

Respectfully submitted,

By: [Signature]
Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.6

I hereby certify that this correspondence is being transmitted by facsimile (571) 273-8300 addressed to Mail Stop Petitions, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11/13/2006 in San Francisco, CA.By: 

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request reconsideration of the Patent Office decision on the petition in the above-identified application as reflected in its Decision On Petition Under 37 CFR §1.78(a)(6) mailed August 23, 2004. The Patent Office dismissed the petition due to improper incorporation by reference statement of provisional application Serial No. 60/076,973 filed March 3, 1998 in Applicants's amendment filed April 11, 2002.

This application herein was filed on October 26, 2001, which was not within twelve months of the filing date of aforesaid provisional application to statutorily allow acceptance of the prior-filed amendment as drafted in applicant's previously filed amendment. Applicants have enclosed herewith an Amendment to include only the

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statement "from which priorities are claimed" and omitting the statement "all of which applications are hereby incorporated by reference in their entirety...under 35 U.S.C. §120".

The entire delay between the date the decision on petition mailed August 23, 2004 and the date of petitioner's request for reconsideration is unintentional, due to the failure to appropriately docket the mailing and mailing date of the Patent Office's decision on petition. The undersigned's docketing program operated on a less automated system in that it is necessary to manually input the mailing and mail date of the Patent Office's decision on petition followed by a manual docket of when a timely request for reconsideration would have been due. Neither docketing occurred by the undersigned's former employee, who had docketing responsibilities.

Applicants believe that there is no fee due. Should the Commissioner find otherwise, the commissioner is authorized to charge the fees due and to credit any overpayment as set forth under 37 C.F.R. §§1.16 and 1.17 to Deposit Acct. No. 04-1679, referencing Attorney Docket No. R0367-00401.

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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